1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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MAIN COMMITTEE I

SUMMARY RECORD OF THE 4th MEETING

Held at United Nations Headquarters, New York,
on Tuesday, 25 April 1995, at 3 p.m.

Chairman: Mr. AYEWAH (Nigeria)

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The meeting was called to order at 3.45 p.m.

REVIEW OF THE OPERATION OF THE TREATY AS PROVIDED FOR IN ITS ARTICLE VIII, PARAGRAPH 3

(a) IMPLEMENTATION OF THE PROVISIONS OF THE TREATY RELATING TO NON-PROLIFERATION OF NUCLEAR WEAPONS, DISARMAMENT AND INTERNATIONAL PEACE AND SECURITY

(i) ARTICLES I AND II AND PREAMBULAR PARAGRAPHS 1 TO 3 (continued) (NPT/CONF.1995/MC.I/CRP.2, CRP.3, CRP.4, CRP.5 and CRP.6)

1. The CHAIRMAN said that review of the question of security assurances and article VII had been entrusted to a working group, whereas the Committee itself would focus on articles I and II of the Treaty and preambular paragraphs 1 to 3 on the basis of the working papers.

2. Mr. ALHAJIBRAHIM (Syrian Arab Republic) said that his country had been one of the first to accede to the Treaty. For 25 years Syria had complied with its commitments under the Treaty, had never attempted to acquire nuclear weapons, and had played a positive role in strengthening security and stability in the Middle East. The Conference offered a unique and historic opportunity to eliminate nuclear weapons and the risk that their proliferation represented for the world. The Conference would facilitate objective study of the articles of the Treaty and the establishment of binding legal rules to ensure that States fulfilled the obligations set forth in the preamble and articles I and II of the Treaty.

3. The objective and general sense of the provisions of articles I and II were quite clear. The possession of nuclear weapons, and of materials which could be used to develop nuclear weapons by States, in particular States which were not parties to the Treaty, would not have been possible without the assistance of nuclear-weapon States which did not respect their obligations under those articles.

4. The refusal of Israel, the only State in the sensitive region of the Middle East to possess nuclear weapons, to accede to the Treaty deprived the latter of universality. In acting as it did Israel enjoyed an unfair advantage enabling it to strengthen its nuclear arsenal with which it threatened peace and security in the Middle East and throughout the world. At the same time there were demands for other States in the region, parties to the Treaty, to conform to its provisions. By refusing to place its installations under the system of safeguards, Israel left the door open for an arms race in the region. Israel should follow the example of other nuclear-weapon States which had renounced the nuclear option by acceding to the Treaty, on which they were to be commended.

5. At the conference on chemical weapons, held in Paris in 1989, Syria had made an appeal for the establishment in the Middle East, under United Nations auspices, of a zone free of weapons of mass destruction. However it was impossible to establish such a zone if at the heart of the Middle East there

particular the heading relating to export licensing. That heading could cause confusion, because in recent years there had been a tendency to refer rather to export control regimes; for greater clarity, it would be preferable to continue using the same term. The reference under point 8 to the complementary and important role of national export mechanisms was too vague and should be amended by including the words "multilaterally agreed, transparent guidelines to supplement safeguards". Lastly, he did not quite understand what the term "lists" in the fifth line in point 8 referred to.

5. Mr. ROSU (Romania), supported by Mr. TALIANI (Italy) said the time had come to formulate specific proposals instead of lingering over a pointless debate on the heading in the Chairman's proposal which, in the last analysis, was only a tool intended to help guide the discussion.

Working paper NPT/CONF.1995/MC.II/WP.1

6. Ms. ALANI (Sweden), introducing document NPT/CONF.1995/MC.II/WP.1 on behalf of the authors (Australia, Austria, Canada, Denmark, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden), recalled that they had met regularly during the 1980 Review Conference to prepare their own proposals for texts to be included in the final report as well as to study the texts prepared by other countries. Since they had started to work together, those States had called for the application of full-scope safeguards as a condition for nuclear supplies to non-nuclear-weapon States not parties to the Treaty.

7. Extensive texts to be used in the work of Main Committee II had been prepared for the 1985 and 1990 Review Conferences. Those texts, which had been widely accepted, had formed the basis for the 1985 Final Document and the report of Main Committee II at the 1990 Review Conference. In preparing texts on articles III and IV for the 1995 Review Conference, the 11 authors of the document under consideration had met a number of times in Vienna to discuss developments since 1990 and had adjusted the agreed texts accordingly, taking into account also the comments made by other countries in a consultation process. The texts had been prepared as working papers and would be available to all delegations. Document NPT/CONF.1995/MC.II/WP.1 was based to a large extent on the text submitted in 1990. The first paragraph had been adjusted slightly in comparison to the 1990 text, but it covered the same substance, i.e., the generally positive assessments of the implementation of article III produced by earlier conferences. The text as a whole had been updated to include developments during the past five years and contained a reference to the Security Council and the statement made by its President in January 1992, reinforcing the message that nuclear proliferation was a major threat to international peace and security. She hoped that the text would facilitate the work of Main Committee II and would help it to agree on a final text.

Working paper NPT/CONF.1995/MC.II/WP.10

8. Mr. WAN JUN (China), introducing document NPT/CONF.1995/MC.II/WP.10, said it was based on statements made by his delegation in the plenary and in the Committee and took into account comments by other delegations. The text was very clear and needed no explanation. It related mainly to point 1 in document

NPT/CONF.1995/MC.II/CRP.2 ("Introduction") except for part III, entitled "Nuclear-weapons-free zones" which referred to a question mentioned in point 9.

9. Mr. TALIANI (Italy) said that document NPT/CONF.1995/MC.II/WP.2 was notable for being well thought out, very useful, and a good introduction to consideration of the implementation of article III. It should not be controversial for it was drafted clearly and completely neutral in that it dealt solely with undisputed facts.

10. On the other hand, that document, although in itself completely acceptable, did not seem relevant to the point under consideration, at least as far as part I was concerned. The part concerning safeguards seemed to be more relevant, but his delegation had only just received the document and would like to study it more thoroughly. It would perhaps be helpful if the Chinese delegation were to give a detailed explanation concerning each of the issues dealt with during the point-by-point discussion of the Chairman's proposal.

11. Mr. SCHMIDT (Austria) said that, while to a large extent he subscribed to the remarks made by the representative of Italy, he wished to state that the working paper submitted by China seemed to provide an excellent basis which should be taken into account in the drafting of the Committee's report. Having said that, it was important to determine where in the working paper some of its elements should be included; he wondered, for example, whether the link established in part I, paragraph 2, between nuclear disarmament and the peaceful uses of nuclear energy really belonged in an introduction to article III. On the other hand, while some of the elements dealt with in part II, entitled "Nuclear safeguards", merited inclusion in the introduction, other, more specific, elements would benefit from further consideration at a later stage of the discussions.

12. The CHAIRMAN invited interested delegations to meet to find a text acceptable to all so that at a later stage of its deliberations the Committee would have a better structured basis for discussion. To that end, he urged those delegations which had submitted working papers NPT/CONF.1995/MC.II/WP.1, 2 and 10 to submit specific proposals and to try to find a common language.

Working paper NPT/CONF.1995/MC.II/WP.2

13. Mr. MACKINNON (Canada), introducing working paper NPT/CONF.1995/MC.II/WP.2 on behalf of the authors (Australia, Austria, Canada, Denmark, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden), said that the starting point of the text was the conviction that IAEA safeguards provided assurance that States were complying with their undertakings and helped them to demonstrate that compliance. Safeguards thus played a key role in preventing the proliferation of nuclear weapons and in the strengthening of collective security.

14. The working paper dealt extensively with the problem of non-compliance with undertakings, which undermined the significance of the Treaty. Continued efforts must be made to give the Treaty a universal character. The States which had submitted the working paper attached great importance to the strengthening of safeguards, which would have to evolve if they were to become integral

components of national security interests in an increasingly nuclear-free world. IAEA had done much in that regard and, by reiterating that the main purpose of comprehensive safeguards agreements was to verify that nuclear materials were not diverted to the manufacture of nuclear weapons, the Board of Governors of IAEA had taken an important step towards strengthening safeguards. The safeguards system should therefore be designed to provide for verification of the correctness and completeness of the declarations made by States.

15. Programme 93 + 2 had many complex components which would need to be carefully examined. The Conference could play an important role in that regard by ensuring recognition of the importance for the signatories to the Treaty of the continuing improvement of the safeguards system. The working paper situated safeguards in the broader context of ensuring compliance with and enforcement of obligations under the Treaty. He noted the responsibility of all parties to the Treaty and of the Security Council and emphasized the need for transparency in national nuclear policies and programmes.

16. Mr. WANG JUN (China), referring to part II of the working paper which he had just introduced (NPT/CONF.1995/MC.II/WP.10), said that the IAEA safeguards system had two objectives: to prevent the proliferation of nuclear weapons and to promote the peaceful uses of nuclear energy. There was unanimity among the participants in the Conference regarding the prevention of proliferation and the strengthening of safeguards. The safeguards system was specifically mentioned in the preamble and in article III, paragraph 3, of the non-proliferation Treaty, but the Treaty specified that the system should in no way hamper the peaceful uses of nuclear energy. His delegation emphasized that point in the working paper it had submitted.

17. As to how to strengthen the safeguards system, his delegation believed that the question should be considered by the competent international bodies, but that due account should also be taken of the financial and legal implications. Only negotiations could lead to progress on those questions, which were not new since they had already been raised within the framework of IAEA. In paragraph 4 of its working paper, his delegation had indicated the principles to be followed to strengthen the safeguards system and it believed that those elements should be taken into consideration in the Committee's report.

18. Mr. ADEKEYE (Nigeria) said that he had carefully studied the two working papers and had found them very useful. He noted, however, that some very important elements were missing in working paper NPT/CONF.1995/MC.II/WP.2. With regard to working paper NPT/CONF.1995/MC.II/WP.10, he drew attention, in particular, to the balance to be established between safeguards and the promotion of peaceful uses of nuclear energy (para. 5) and to the principles to be observed in strengthening the safeguards system (para. 7). Those questions, which were of great importance to his delegation, should be dealt with in the part of the final document relating to article III.

19. Mr. OUVRY (Belgium), referring to working paper NPT/CONF.1995/MC.II/WP.10, submitted by China, observed that, in paragraph 5, it would be preferable to use a more positive formulation such as "the prevention of nuclear weapon proliferation promotes peaceful uses ..." instead of the phrase "the prevention of nuclear weapon proliferation should be beneficial for the promotion of

peaceful uses ...". In the last sentence of paragraph 6, the word "agreements" in the plural was used. At the meeting of the Board of Governors in March, the consensus had been that, if there were other agreements, a model agreement should be adopted, not different agreements. Belgium would not wish to see the establishment of an "à la carte" safeguards system and hoped that the Chinese delegation would agree to use the term "model agreement", for example, in its formulation. Work had been done on the basis of a universal system of safeguards and it was important to ensure that a new system was not established which was no longer universal.

20. With regard to paragraph 7, his delegation agreed with the principles set out therein. However, it had had long experience of safeguards and knew that their application required a certain effort on the part of the State which was subject to them. For its part, it was prepared to make that effort and hoped that all States would be prepared to do the same. The Chinese proposal should therefore be qualified and should clearly indicate that all States should make an effort, in some cases a financial effort.

21. Mr. TALIANI (Italy) said he saw nothing in part II of working paper NPT/CONF.1995/MC.II/WP.10, submitted by China, which could give rise to objections, except that the text appeared to be too circumspect. That had certainly not been the intention of its author. That there was a need to strengthen safeguards was quite evident and many speakers had not failed to mention it in the plenary Conference. The fear that safeguards might hamper the promotion of peaceful uses was hardly justified. Italy attached great importance to the question of peaceful uses of nuclear energy and had even feared, at the time of signing the Treaty, that safeguards might put non-nuclear-weapon States at a disadvantage in relation to nuclear-weapon States. It had ceased all nuclear activities, even for peaceful purposes, but its experience, although not as long as that of Belgium, had shown it that safeguards also had a price for States which accepted them and that they had never hampered activities relating to the peaceful uses of nuclear energy. To say that safeguards should not prevent countries from using nuclear energy might lead to confusion.

22. With regard to the mention of measures beyond the existing legal framework (para. 6), it was evident that any measure which was beyond that framework should be the subject of negotiations, even if that involved only a few of the measures set out in IAEA Programme 93 + 2. Assuming that there were such measures, however, insistence on that point would give the impression that in reality the Conference was extremely circumspect on the question of strengthening safeguards, whereas in fact it very much wanted to strengthen them.

23. Mr. SCHMIDT (Austria) supported the representative of Belgium and agreed that the Chinese document contained a number of elements which might be incorporated in the final document. However, regarding the strengthening of guarantees, the concept must first of all be understood and a degree of flexibility demonstrated so as not to give the impression that it was the intent of the Conference to pre-empt a flexible approach by referring to the legal aspects before it was even determined what the concept of strengthening involved. The legal aspects were certainly important, but should come into play

later. In making a statement on the future activities of IAEA, a clear indication must be given that the Conference supported the work of the Agency aimed at formulating the concept of strengthening. The legal provisions that that commonly shared concept would entail would then become a secondary issue.

24. Ms. KUROKOCHI (Japan) said that as a result of the increase in nuclear activities throughout the world, as well as the financial constraints experienced by IAEA, the question of the strengthening of the effectiveness of the system of safeguards, broached in particular in the working paper submitted by China, was of great interest to her delegation, which wished to play an active part in the drafting of the text on the question.

25. Ms. DELPECH (France) said that it was important to emphasize that non-proliferation commitments and IAEA safeguards played an essential role in the development of the peaceful uses of atomic energy, since they constituted a proper framework for nuclear trade for peaceful purposes and nuclear technical cooperation. With regard to the strengthening of safeguards, the work of the Committee was awaited with some expectation since the strengthening of controls was at a particularly important stage. While it was true that the main aim of comprehensive safeguards agreements was to verify that materials under safeguards were not diverted for the production of nuclear weapons, it should be emphasized that such agreements and the IAEA statute provided the necessary authority to take appropriate measures to detect potentially undeclared nuclear activities - an essential consideration after the experience of the Iraqi programme. The strengthening of safeguards should, above all else, enable the Agency and member States to strengthen their assurances in that regard, and also constituted an essential element in the collective security to which the Treaty contributed.

26. Mr. NORENDAL (Norway), referring to the working paper submitted by China (NPT/CONF.1995/MC.II/WP.10), said that the approach taken was not fully satisfactory, since it entailed mention in the Committee report of a debate long pursued at IAEA, namely the balance to be struck between safeguards and the promotion of the peaceful uses of nuclear energy. The manner in which the question of safeguards was included with other elements was also unsatisfactory. His delegation would vastly prefer a statement to be made in support of the strengthening of assurances without mentioning conditions, as the Chinese paper did.

27. Mr. HOFFMAN (Germany), referring to document NPT/CONF.1995/MC.II/WP.2, said that, in view of developments since the 1990 Review Conference, IAEA safeguards should not only seek to provide assurances that nuclear materials would not be diverted from declared facilities but should also be strengthened to ensure that no undeclared nuclear activities were being carried out. To that end there was a need for full transparency with respect to national nuclear policies and programmes, ensured by States parties, and enhanced detection capabilities on the part of the Agency. Germany thus called upon all the parties to the Treaty to implement the measures approved by the Board of Governors of the Agency aimed at improving its ability to detect the existence of undeclared nuclear activities in States with comprehensive safeguards agreements and obtain access to the related installations. Germany strongly endorsed the thrust of the programmes currently being pursued by the Agency and called on all States

parties to do likewise. His delegation expected firmer assurances regarding the absence of undeclared activities to provide a basis for reducing costs in implementing safeguards relating to declared materials.

28. As for the working paper submitted by China (NPT/CONF.1995/MC.II/WP.10), his delegation had no specific objection to the language contained in part I, but anticipated that it might prove controversial as far as some other delegations were concerned. Germany would prefer to emphasize that non-proliferation commitments, good faith compliance and full scope safeguards constituted the necessary framework for "enhanced cooperation between countries on the peaceful uses of nuclear energy".

29. In part II, his delegation suggested the replacement of the words "IAEA safeguards have become ..." by "IAEA safeguards are ...", since the Agency's safeguards had from the outset been an integral part of the international non-proliferation regime. Germany did not propose to discuss, in the context of the Conference, the objectives of IAEA, which was an independent international organization whose objectives fell within the purview of its own organs. On the other hand the Conference might discuss the goals of the Treaty, or the adequate execution by IAEA of the tasks conferred upon it by the Treaty and by States parties. If safeguards and cooperation in the peaceful uses of nuclear energy were discussed in that context, it should be made clear that non-proliferation commitments, in particular full scope safeguards required under the Treaty from non-nuclear-weapon States, constituted the necessary framework for international cooperation. Non-proliferation and safeguards were not only two goals in parallel to peaceful nuclear cooperation, but were the conditions upon which such cooperation depended.

30. Furthermore, the principles emphasized in the paragraph under consideration already constituted the basis for the Agency's activities under the Treaty, whereas the wording gave the impression that IAEA and its system of safeguards did not respect those principles and that the Agency needed to be exhorted to return to them. His delegation would like to avoid giving such an impression.

31. With regard to nuclear-weapon-free zones, his delegation thought that it would be preferable not to repeat the contents of Protocols II and III of the Treaty of Tlatelolco, and, to avoid possible difficulties which some members of the Committee might have with the last sentence of the paragraph, it would be advisable to use less strong language than "urge".

32. Mr. KHLEBNIKOV (Russian Federation) said that the question of IAEA safeguards was extremely important, as evidenced by the attention which various delegations had given to it. The two working papers before the Committee were extremely different, but the substance of both were acceptable to his delegation, which would nevertheless like to propose a few amendments. Furthermore, if a working group was to be established to draft the Committee's final document, his delegation wished to be a member of it.

33. Mr. DE ICAZA (Mexico) said that, on the question of safeguards, the two working papers complemented rather than countered each other.

34. His delegation supported the 93 + 2 programme and understood that the IAEA Board of Governors had adopted the general approach but had not yet agreed on specific measures. It was therefore vital to determine first, among the measures proposed to strengthen the safeguards system, those which were part of the existing legal framework and those which went beyond it. It was also important to emphasize that, to be able to apply measures which went beyond the existing agreements, an appropriate legal framework would have to be established, negotiated and approved, not only by the Board of Governors, but by all the States parties to the Treaty, the objective being to make the framework binding, universal and non-discriminatory and to avoid establishing a layering of different types of agreements in force as a result of the NPT. In that regard, his delegation supported the Belgian proposal to avoid the plural use of the word "agreement". On the contrary, what was necessary was to strengthen the idea of a standard agreement to which all States would be called upon to subscribe. It had submitted to the plenary Conference a working paper on the question (NPT/CONF.1995/23), containing elements that the Committee might wish to retain. Section 4, for example, referred the importance of strengthening the current IAEA safeguards system on the basis of the proposal by the Director General, in the light of the comments made by various States in the Board of Governors and on the basis of agreements clearly stating the powers of IAEA and the obligations of States.

35. His delegation would also like to take part in the work of any drafting group asked to prepare the text of the paragraphs relating to those questions.

36. Mr. DE LA TORRE (Argentina) said that working paper NPT/CONF.1995/MC.II/WP.2 accurately reflected new developments since the last Review Conference. The question of safeguards was one of the most important which had been considered in recent years, not only in IAEA but also at the level of the Security Council and the international community as a whole. The working paper's approach was realistic in that it emphasized the international community's immense interest in the current process. To overlook those new developments would have a negative impact on the Conference's evaluation of the safeguards system at a time when the international community was on the threshold of a consensus designed to strengthen the system. If, instead of focusing on those questions, the Conference dealt with more general ideas, its proceedings would be deprived of much of their substance and would therefore lose some of their precision and political commitment.

37. Mr. CHUN (Republic of Korea) said that the ideas in document NPT/CONF.1995/MC.II/WP.10, especially part II, were entirely reasonable and needed no change except that the references to legal, financial and technical questions in the 93 + 2 programme could impair the political support the programme currently received. China's observations, especially with respect to the peaceful uses of nuclear energy, should perhaps be presented differently.

38. Mr. RAZLEY (Malaysia) said that he too favoured the strengthening of the IAEA safeguards system, whose effectiveness and viability needed to be enhanced. However, the Agency's current efforts in that regard should be taken into consideration. Accordingly, when the final document was drafted, care should be taken to reflect the formulation used in the agreements which States had signed with IAEA.

39. Mr. PAPDIMITROPOULOS (Greece) fully supported document WP.2. In document WP.10, the last sentence of paragraph 6, concerning measures which went beyond the existing legal framework, posed a problem: it was still too early for delegations to be able to determine that question, because they did not have the IAEA secretariat document, which would not be submitted until mid-1995. As to the formulation describing the new legal framework, his delegation preferred the wording of document WP.2, which spoke of existing safeguards agreements or complementary authority to be conferred by the States involved. The IAEA Statute and the existing safeguards machinery envisaged in document INF/CIRC/153 would provide the necessary framework of reference for new arrangements.

40. Mr. WALKER (Australia), speaking as a sponsor of documents WP.1 and WP.2, said that they had been established on the basis of the 1990 consensus, which had been updated to reflect events since that date and the consequent need to strengthen the safeguards system, especially with a view to detecting undeclared nuclear activities. Those were new and important elements, and his delegation wished the Committee to discuss them in detail.

41. With respect to document WP.10, he said that the provisions of paragraphs 4 and 5 and the first part of paragraph 6 dealing with general principles should rather be placed in the introduction of the document devoted to the question of safeguards. The second part of paragraph 6 and paragraph 7, however, were concerned more especially with the strengthening of the safeguards system and, while his delegation did not subscribe to their formulation, it considered that their key idea corresponded to a principle of which the Committee should take cognizance. His delegation intended to introduce, on behalf of the sponsors, a text on comprehensive safeguards.

Working paper NPT/CONF.1995/MC.II/WP.6

42. Mr. POSTA (Hungary), introducing working paper NPT/CONF.1995/MC.II/WP.6 on behalf of the 11 non-nuclear-weapon countries which had prepared it, said that the effectiveness of the safeguards system depended to a large extent on the professional qualifications of the IAEA inspectors and the conditions in which they worked. The sponsors of the text had therefore noted with satisfaction the IAEA secretariat's efforts to ensure the highest professional standards were maintained as well as having the widest geographical distribution possible. With respect to conditions of work, some States continue to impose restrictions affecting the designation of inspectors. As IAEA stated, only 23 countries were currently applying the simplified procedures proposed by the Director General. Yet, the adoption of those procedures, together with the issue of multiple entry and exit visas or any other arrangement facilitating the activities of the inspectors, would help to establish greater trust and enable IAEA to make better use of its human and material resources. Accordingly, the second paragraph of the text called for increased cooperation by all States. On behalf of the sponsors, he expressed the hope that the document would be approved by all the members of the Committee.

43. Mr. ANDREW (United Kingdom) said that the working papers before the Committee provided an excellent basis for considering the safeguards question. His delegation would submit comments on the subject during the drafting of the final document.